REGISTER OF CLASSIFICATION DECISIONS

Title of Publication:	JAPEN~1.MPG
Other Known Title:	elevator rape.mpg
Format:	Computer Moving Image File
Director/Author:	Not Stated
Producer/Publisher:	Not Stated
Country of Origin:	Not Stated
Language:	Japanese
Classification:	Objectionable.
Descriptive Note:	Not Applicable.
Display Conditions:	Not Applicable.
Date of entry in Register:	26 January 2005
Date of direction to issue a label:	Not Applicable.
Applicant:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable.
OFLC No:	401899

Unexcised version of publication:

	Components	Running time
Feature:	JAPEN~1.MPG	7.24
Other timed components:	Nil	
Total running time:		7.24

Excisions: Not Applicable.

Reasons for excisions:

Not Applicable.

Summary of reasons
for classification:

The computer moving image file entitled *JAPEN~1.MPG* also known as *elevator rape.asf* is classified as:
Objectionable.

The publication consists of one scene which focuses on a man sexually violating a woman in an elevator. The scene is presented in an explicit and realistic manner and has no purpose other than as a means of sexual arousal. Much focus is placed on the woman's apparent distress and helplessness. For these reasons, the publication promotes and supports the use of violence and coercion to compel any person to participate in, or submit to, sexual conduct.

The classification of the publication interferes with the freedom of expression, as outlined in s14 of the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the Films, Videos, and Publications Classification Act 1993 be deemed objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support use of violence or coercion to compel any person to participate in, or submit to, sexual conduct.